

VILLAGE OF BOSQUE FARMS

Nuisance Abatement

Table of Contents

7-4-1	Intent	1
7-4-2	Definitions	1- 3
7-4-3	Public Nuisances Prohibited	3
7-4-4	Penalties for Public Nuisance Violations	3
7-4-5	Abatement of Public Nuisance Offenses	5 – 8
7-4-6	Temporary Orders	8 – 11
7-4-7	Supplementary Remedies for Public Nuisances	11
7-4-8	Judgment for Costs and Attorneys' Fees	11
7-4-9	Lien for Judgments	11
7-4-10	Stipulated Alternative Remedies	12
7-4-11	Other Seizures, Closures, Forfeitures and Confiscations	12

7-4-1 Intent.

The purpose of this Ordinance is for the abatement of public nuisances for the protection of public health, safety and welfare for the residents of the Village of Bosque Farms. The purpose of this Ordinance is not to punish but to abate public nuisances. The actions provided in this Ordinance are designed to abate public nuisances by removing the property and/or vehicles from criminal use and as a base of criminal operations to ensure that criminal activity and the use of the property for criminal purposes is unprofitable, to require that the profits of criminal activity be disgorged, to make property owners vigilant in preventing public nuisances on, in or using their property by tenants, guests, occupants and to deter public nuisances.

The remedies provided in this Ordinance are directed at the property involved without regard to ownership, title or right of possession and the guilt or innocence of those who hold these rights. The remedial actions are intended to be civil in nature. The remedies of seizure, temporary order, closure, receivership, sale, and/or destruction are intended to be in rem, against the property itself, and not against any individual directly. However, the remedies of temporary order, civil judgment and permanent injunction may be partially in persona.

7-4-2. Definitions.

- A. "Abate"** means to bring to a halt, eliminate or where that is not possible or feasible, to suppress, reduce, and minimize.
- B. "Close, To Close, or Closure"** means to seize the property and remove all owners, tenants, occupants and other persons or animals from real property, vehicle or personal property, or a specified discrete portion thereof, and to lock, board, bar, or otherwise close and prohibit all entry, access, and use of the real property, vehicle or other personal property, or a specified discrete portion thereof, except such access and use as may be specifically ordered by the court for purposes of inventory, maintenance, storage, security and other purposes, and to vest the sole right of possession and control of the real property, vehicle, or personal property, or a specified discrete portion thereof, in the Village of Bosque Farms for a limited period of time defined by court order, In the case of a vehicle, closure includes impoundment.
- C. "Contraband"** means any personal property, which is illegal to own.
- D. "Criminal Street Gang"** means any organization association in fact, or group of three (3) or more persons, whether formally or informally organized, or any subgroup or affiliated group thereof, having as one of its primary activities in the commission or one (1) or more criminal acts or illegal acts, which ~~had~~ have been identifiable name or identifying signs or symbol and whose members individually or collectively engage in or have engaged in a pattern of gang-related criminal activity.
- E. "Flight"** means to flee, escape, or leave the place where the public nuisance activity was committed or conducted.
- G. "Garbage"** means, but is not limited to, animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

H. "Graffiti" means any letters, numbers, word or words, writings or inscriptions, symbols, drawings, carvings, stickers, etchings or any other marking of any nature whatsoever which defaces, obliterates, covers, alters, damages or destroys the real or personal property of another.

I. "Junk" means, but is not limited to, any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out, wrecked, worthless appliance, object, thing, or material, combustible or noncombustible, composed in whole or part of asphalt, ashes, brick, carbon, cement, plastic, or other synthetic substance, fiber, glass, metal, paper, paper goods and products, wrappings, cans, bottles, containers, boxes, scrap lumber, scrap metal, construction materials, tires, plaster, plaster of paris, rubber, terra cotta, wood, cotton, cloth, canvas, organic matter, including weeds or other substance, having no substantial market value or requiring reconditioning in order to be used for its original purpose.

J. "Legal or Equitable Interest or Right of Possession" means every legal or equitable interest, title, estate, tenancy, or right of possession recognized by law and equity, including but not limited to freeholds, life estates, future interests, condominium rights, time-share rights, leaseholds, easements, licenses, liens, deeds of trust, contractual rights, mortgages, security interests and any right or obligation to manage or act as agent or trustee for any person holding any of the foregoing.

K. "Mayor's Designee" means the person(s) or entity(ies) appointed by the Mayor to enforce this Ordinance.

L. "Parcel" means any lot or other unit of real property or any combination of contiguous lots or units owned by the same person and defined herein.

M. "Person" means natural persons and every legal entity whatsoever, including but not limited to sole proprietors, corporations, limited liability companies, partnerships, limited partnerships, and associations.

N. "Personal Property" means all property of every kind and nature whatsoever including cash, vehicles, animals, intangible property and contraband, but not including real property of any kind.

O. "Property" means property of all kinds, including real property and personal property as defined herein.

P. "Public Nuisance" means any parcel of real property, commercial or residential, any personal property, or any vehicle on or in which any illegal activities occurs, or which is used to commit, conduct, promote, facilitate, or aid in the commission of or flight from any of the following activities. For the purposes of this Ordinance, ~~the~~ any illegal activity shall have the same definition as that contained in the Section of the New Mexico Statutes Annotated (NMSA), as amended.

Q. "Real Property" means land and all improvements, buildings, and structures, and all estates, rights, interests, legal and equitable, in the same, including, but not limited to, all forms of ownership and title, future interests, condominium rights, time-share rights, easements, water rights, mineral rights, oil and gas rights, and air rights.

R. "Receivership" means the special receivership on the terms set out by Court appointment to manage the property that is involved in a legal process.

S. "Refuse" means all putrescible and nonputrescible solid waste, except body wastes, including but not limited to garbage, rubbish, ash, street cleanings, dead animals, abandoned motor vehicles, and solid market and industrial waste (see also "garbage").

P. "Structure" means anything constructed, erected, or placed upon real property which is so firmly attached to the land as to be reasonably considered part of the real estate, and also includes buildings of every type and nature whatsoever.

Q. "Tenant" means any person who uses, resides in or occupies property identified as a public nuisance, regardless of whether the tenant has the consent of the owner to use, reside, or occupy the property.

R. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame, chassis, or body of any vehicle or motor vehicle, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

S. "Village" means the Village of Bosque Farms.

7-4-3 PUBLIC NUISANCES PROHIBITED

A. It shall be unlawful for any owner, manager, tenant, lessee, occupant, or other person having any legal or equitable interest or right of possession in any real property, vehicle, or other personal property to intentionally, knowingly, recklessly, or negligently commit, conduct, promote, facilitate, permit, fail to prevent, or otherwise let happen, any public nuisance in, on or using any property in which they hold any legal or equitable interest or right of possession.

B. An owner of property whose own activities on the real property are not a nuisance shall not be in violation of this Ordinance if the owner establishes that he or she has no knowledge of the public nuisance activity and, upon receiving notice of the activity constituting a nuisance, the owner:

1. Demonstrates to the Village that the rental agreement for the property contains a provision prohibiting criminal activity;
2. Delivers to the tenant(s) a written notice of termination of the rental agreement as provided by the New Mexico Owner-Resident Relations Act;
3. Files an appropriate report with law enforcement authorities or otherwise cooperates with such authorities in enforcing laws with respect to tenants on the property;
4. Initiates legal action to remove residents involved in criminal activity where such activity can be proven; and
5. Takes all reasonable and available steps to terminate the public nuisance activity.

7-4-4 PENALTIES FOR PUBLIC NUISANCE VIOLATIONS

1. Any person who violates any provision of this Ordinance shall, upon conviction, be subject to a fine not exceeding \$500 (five hundred dollars) or by imprisonment not exceeding 90 (ninety) days or both. Each separate violation shall constitute a separate offense and every day on which any violation exists shall constitute a separate violation and offense.

2. Upon conviction of violation of this Ordinance, the Village shall register the violating property with the Village ~~agencies~~ Governing Body and/or the County Clerk.

3. **Conditions of suspended sentences.** In the event that the court chooses to suspend any portion of the fine or sentence for a violation of this Ordinance, the Village shall request that the court make the suspended sentence expressly conditional on the following terms:

a. The defendant must evict, remove and permanently bar from entering the property any persons who committed the criminal activity forming the basis of the public nuisance, including but not limited to the defendant himself, his or her family members and relatives, and owners, tenants, occupants, guests, and other persons. This may be accomplished through forcible entry and detainer actions, sale of the property, new leases on the property, or other legal action as needed; and

b. The defendant must take steps to abate the public nuisance, eliminate its past and continuing adverse effects on the neighborhood and prevent public nuisances from recurring on the property, included but not limited to landlord training, tenant background checks and screening, improvements to the property, including general repairs which will bring the property into compliance with Village Zoning Code, and including fencing, lighting, and destruction of buildings, modifications to leases, security guards, removal of trash, junk, graffiti, and compliance with all other applicable Village Codes.

c. Any other conditions that the court deems appropriate.

4. **Posting and publication of public nuisance convictions.**

Upon conviction of any person for violating this Ordinance, in addition to any fine and/or jail sentence, the Village may file in the office of the County Clerk, a certificate describing the real property and that it has been found to be a public nuisance. The Village may also post such notices in prominent places on the real property on which the public nuisance has occurred. These notices may be attached to any structure on the real property. The Village shall have the right to enter the real property for the purpose of erecting, affixing, maintaining ~~and~~ or removing these notices.

The Village may also publish or release notices describing the property and stating that it has been found to be a public nuisance in or to the newspapers, periodicals, magazines, fliers, and other printed media, and may release such notices to television, radio and cable media. The notices and releases may contain the property address, the names of the defendants convicted, and all persons holding any legal or equitable interest in the property, photographs of the defendants and all persons holding any legal or equitable interest in the property, photographs of the property and the nuisance activity, a narrative description of the nuisance activity involved, a statement that the property constitutes a public nuisance, the court's sentence including any suspended

sentence, and the conditions of the same, and any invite the public to contact the Village regarding any further nuisance activity or violations of the sentence.

The Village may post the property and release or publish notices provided above for a period not exceeding one (1) year from the conviction, or in the event that the conviction is appealed, one (1) year from the date the conviction is affirmed. It shall be unlawful for any person to interfere with, remove, obliterate, obscure, cover, or destroy any notice posted pursuant to the provisions of this Section.

5. Additional and alternative remedies.

In addition or in the alternative to the criminal files, sentences, conditions of suspended sentences, publication, posting, press and media releases and other sanctions provided above, the Village may also seek administrative remedies provided in this Ordinance. These remedies shall be cumulative, and the Village may pursue one (1) or more of them, simultaneously or in succession.

7-4-5 ABATEMENT OF PUBLIC NUISANCE OFFENSES

A. In order to ensure that the remedies provided in this Ordinance are applied in good faith and for the purposes of public nuisance abatement, the following shall apply:

1. No Village employee's or law enforcement officer's employment or level of salary shall depend upon the frequency or quantity of actions and remedies under this Ordinance that he or she produces.
2. All seizures of real property shall be made pursuant to a temporary restraining order based upon a judicial finding of probable causes and only after the opportunity for an adversarial hearing to contest the seizure has been provided.

B. This Ordinance is not intended to authorize any act expressly prohibited by state law, nor forbid any conduct expressly authorized by state law. The provisions of this subpart shall be construed to avoid any such direct and express conflict.

C. The Sections of this Ordinance are intended to provide a comprehensive scheme for civil public nuisance abatement and should be read together.

B. PROCEDURE IN GENERAL

1. The remedies provided in Section 7-4-4 are cumulative and supplementary to any criminal penalties provided by any other criminal ordinance or statute, other civil remedies, and any administrative proceedings to revoke, suspend, fine, or take other action against any license. The Village may pursue the remedies proved in Section 7-4-4, the criminal penalties or other ordinances or statutes, other civil actions or remedies, administrative proceedings against a license, or any one or more of them, and may do so simultaneously or in succession.

2. In the event that the Village pursues both the criminal penalties in Section 7-4-4, or the criminal remedies provided in any other section, other civil remedies or the remedies of any administrative action and the remedies in Section 7-4-4 in the civil actions shall not be delayed or held in abeyance pending the outcome of any

proceedings in the criminal, civil or administrative action, or any action filed by any other person, unless all parties to the action under Section 7-4-4 so stipulate.

~~3. All actions under Section 7-4-4 are civil and remedial in nature. All seizure, closure, receivership, sale and destruction remedies under Section 7-4-4 shall be in rem. Injunctive remedies under this section may be partly personam. (Already in 7-1-1)~~

4. Actions under Section 7-4-4 shall be filed by the Village Attorney for the Village of Bosque Farms and/or by the District Attorney for the County of Valencia. A private citizen, in the name of the state, may also bring action under Section 7-4-4. (Should we allow this?)

5. Actions under Section 7-4-4 shall be in accordance with the New Mexico Rules of Civil Procedure and the New Mexico Rules of Evidence.

6. Actions under Section 7-4-4 may affect the use, possession, enjoyment, and title to real property. Accordingly, the Village may file and record a notice of its pendants against the real property involved.

7. An action under Section 7-4-4 shall be commenced by the filing of a verified complaint or a complaint verified by an affidavit and a motion for a temporary order in accordance with the New Mexico Rules of Civil Procedure.

8. The defendants to an action under Section 7-4-4 and the persons liable for the remedies in this Section may include the property itself, any persons owning or claiming any legal or equitable interest or right of possession in the property, all tenants and occupants at the property, managers and agents for any persons owning or claiming a legal or equitable interest in the property, any persons committing, conducting, promoting, facilitating or aiding the commission of or a flight from an alleged public nuisance activity, and any other persons whose involvement may be necessary to abate the nuisance, prevent it from recurring, or to carry into affect the court's orders for temporary orders, seizures, closures, receiverships, permanent injunctions, liens, sales and destruction. Any person holding any legal or equitable interest or right of possession in the property who has not been named as a defendant may intervene as a defendant.

C. NOTIFICATION BEFORE FILING A CIVIL ACTION

1. At least ten (10) calendar days before filing a civil action under this Ordinance involving any seizure, closure, or receivership of real property, the Mayor's designee shall:

a. Post a notice at the main entrances to the building(s) or at some other prominent place on the real property.

b. The Mayor's designee shall also mail a notice by certified mail, return receipt requested, to the owner(s) of the real property and to the holder(s) of the last deed of trust recorded as real property. The mailing of the notice shall be deemed sufficient if mailed to the owner(s) and the holder(s) of the last recorded deed of trust at the address(es) shown on the records of the Valencia County Clerk and/or the Valencia County Assessor's Office.

c. The posted and mailed notices shall state that the real property has been identified as a public nuisance and that a civil action under this Ordinance may be

filed.

d. The Mayor's designee is authorized to enter upon the property for the purpose of posting notice and to affix the notice in any reasonable manner to any buildings or structures.

e. The Mayor's designee shall not be required to post or mail any notice specified whenever he or she determines, in his or her sole discretion, that the following conditions exist:

1. The public nuisance poses a threat to public safety;
2. Notice could jeopardize a pending investigation of criminal or public nuisance activity, confidential informants, or other police activity; or
3. Notice could result in sale, transfer, encumbrance or destruction of the property; or
4. Other emergency circumstances exist;
5. The owner(s) and the holder(s) of the last recorded deed of trust have been notified in writing within the last 120 days that the property has been identified as a public nuisance and that a civil action under this Ordinance may be filed;

f. It shall be unlawful for any person other than the Mayor's designee to remove any notice posted under the provisions of this Section.

D. SEIZURE OF CERTAIN VEHICLES AND OTHER PERSON PROPERTY BEFORE FILING A COMPLAINT

1. Seizure of vehicles and other personal property on an ex parte basis and before filing may be necessary to prevent the removal, destruction or concealment of vehicles and other personal property to thwart the remedies provided in this Ordinance.

2. If the Mayor's designee or any police officer determines that there is probable cause to believe that:

- a. A public nuisance as defined in Section 7-4-3 of this Ordinance has occurred;
- b. The public nuisance occurred in a vehicle or a vehicle or other personal property was used to commit, conduct, promote, facilitate, or aid the commission of or flight from the public nuisance activity; and
- c. The vehicle or other personal property is capable of being concealed, destroyed, or removed from the Village of Bosque Farms and the County of Valencia.

Then the Mayor's designee or any police officer may seize and impound the vehicle or other personal property as a public nuisance.

3. In any case in which a vehicle or other personal property is seized as provided in

Subsection 1 above, the police officer or Mayor's designee shall report the seizure to the Village Attorney within five (5) days of said seizure.

4. Within thirty (30) days of the date the seizure is reported to the Village Attorney, the Village Attorney shall declare either the vehicle or other personal property available for release, to be contraband, to be relevant evidence in a criminal proceeding or file an action under this Ordinance seeking closure of the vehicle or other personal property.

5. The declarations provided above shall be in writing and shall be made available as public record at the office of the Mayor's designee.

6. Any person claiming any legal or equitable interest or right of possession in any vehicle or other personal property seized under this Ordinance may file a motion in the civil action filed for the return of the seized property. The motion shall be filed, set, served, heard, and determined as provided in the New Mexico Rules of Civil Procedure.

7-4-6 Temporary Orders

A. Intent.

Public nuisances are a real, direct and immediate threat to the health, safety and welfare of the residents of the Village of Bosque Farms. Public nuisances cause immediate and irreparable injury, damages and loses to the residents of the Village and their governmental agencies.

Actions of law are not always an adequate remedy and the protection of public health, safety and welfare may require temporary orders as provided in this Ordinance.

Ex parte temporary orders may be necessary to provide rapid relief from public nuisances without the delay involved by an adversarial hearing and personal service and to prevent persons from removing, concealing, destroying, encumbering, selling or transferring property that may be the subject of the remedies of this Ordinance.

~~The issuance and execution of temporary orders under this Ordinance shall be deemed a bailment of property. The owner(s) of the property remains responsible for the maintenance and security of the property subject to the temporary order and shall be permitted reasonable access to the property for these purposes upon application to the court.~~ Delete this is in the ordinance twice.

Clearness – should we state which court – Municipal or District?

B. Forms of proposed temporary order.

Every temporary order proposed by the Village under this Ordinance shall set forth the reason for its issuance to be reasonably specific in its terms and describe in reasonable detail the acts and conditions authorized, required or prohibited and shall be in accordance with the New Mexico Rules of Civil Procedure.

1. The Village shall petition the court to issue a temporary order that makes the following orders for seizure of vehicles and other personal property not contained within buildings and restraining persons as to real property, vehicles, other personal property and public nuisances. Such orders shall be served and

become effective pursuant to the New Mexico Rules of Civil Procedure.

2. The Mayor's designee or any police officer may seize and close vehicles and other personal property not contained within any building on real property, using force necessary, and to place the same in police custody or to retain the same in police custody if previously seized in the constructive custody of the court, until further order of the court. All towing and storage costs shall be paid by the owner(s) of the vehicle or other personal property.

~~a. All towing and storage costs shall be paid by the owner(s) of the vehicle or other personal property.~~

3. Persons are to deposit with the Mayor's designee or any police officer documents evidencing title, registration and keys, combination numbers, magnetic cards and other devices for accessing the vehicles and other personal property.

4. The Mayor's designee or any police officer shall post the summons, complaint and temporary order on the real property and to serve copies upon any person who reasonably appears to claim hold on any legal equitable interest or right of possession in the property.

~~5. To restrain all persons from removing, concealing, damaging, destroying, or selling, giving away, encumbering, or transferring any interest in vehicles, other personal property, fixtures, structures or real property, or the contents of the same, or using any of the property as security for a bond.~~

~~6. Persons holding any legal or equitable interest or right of possession in the real property, vehicle, or other personal property to take steps to abate the public nuisance and to prevent it from recurring.~~

~~7. The Mayor's designee or any police officer to take reasonable steps to abate the nuisance activity and prevent it from recurring.~~

~~8. To require certain named individuals to stay at least 200 (two hundred) yards away from the property at all times.~~

~~9. Any other orders that may be reasonably necessary.~~

These are in 7-4-6.A.

C. Motion to vacate or modify temporary order or for the return of seized property.

1. Where the existence of a public nuisance is established in a civil action under this Ordinance, the Village shall petition the court to enter a permanent prohibitory and mandatory injunction(s) requiring the defendant(s) to abate the public nuisance and take specific steps to prevent the same and other public nuisances from occurring on real property, vehicle or other personal property.

2. The Village shall also petition the court to order, as to any real property, vehicle or other personal property used to commit, conduct, promote, facilitate or aid the commission of or flight from any public nuisance activity the following remedies:

a. Closure of real property and destruction of certain structures.

1. That the real property be closed for a period of not less than one (1) year and not more than three (3) years from the date of the final judgment, plus any extension of that period caused by failure to comply with the conditions of release of the property as set forth below:

A. The Village may request that certain structures on the real property be destroyed. The Village may also request the court to order the defendant(s) to carry out the destruction of such structures.

B. The Village shall petition the court to order the defendant(s) to provide for the maintenance, utilities, insurance, and security of the property during the period of closure.

C. At the end of the closure period, the real property be released to the owner(s) only upon the following conditions:

1. Payment of all expenses incurred by the Village for seizure, closure, utilities, security, access, destruction of buildings and/or structures, maintenance, insurance, and all other reasonable expenses;

2. Payment of all civil judgments under this Ordinance; and

3. Execution by all owners and other persons holding any legal or equitable interest or right of possession in the real property of a complete and unconditional release of the Village and all its employees and agents for liability for the seizure, closure and damages to the property. **Need to have Mark Review this!!! As per Judge Wilke**

D. In the event that the owners and other persons holding any legal or equitable interest and rights of possession or any of them fail, neglect or refuse to pay the fees, expenses, and judgments or to execute the release provided above, the property shall remain closed. The issuance and execution of this closure order shall not be deemed a bailment of the property. The owner of the property remains responsible for the maintenance and security of the property subject to the closure order and shall be permitted reasonable access to the property for these purposes upon application to the court. However, if a year expires without the owner making payment, the property shall then forfeit to the Village. Is this legal?

b. Impoundment of vehicles.

1. The vehicle will be impounded for a period of not less than six (6) months and not more than one (1) year from the date of final judgment plus any extension of the vehicle as set out below.

2. At the end of the closure period, the vehicle shall be released to the owner(s) upon the following:

A. Payment of all towing fees, storage fees, and civil judgments under this Ordinance; and

B. Execution by the owner(s) and/or lienors of a complete and unconditional release of the Village and all its employees and agents for the closure and any and all damages to said vehicle.

Ask Mark about this as per Judge Wilke

3. In the event that the owner(s) and/or lienors fail, neglect or refuse to pay the fees, expenses and judgments when due, and execute the release as provided above, the vehicle shall be forfeited to the Village. The issuance and execution of the closure order shall not be deemed a bailment of property.

c. Destruction of vehicles

A vehicle that has been forfeited to the Village, may be destroyed in lieu of impoundment at the request of the Village.

7-4-7 Supplementary Remedies for Public Nuisances

In any action in which probable cause for the existence of a public nuisance is established, in the event that the defendant(s), or any one of them, fails, neglects or refuses to comply with the court's temporary orders, receiverships, closures, destruction orders, and any other orders, the Village may petition the court to, in addition to or in the alternative to the remedy of contempt, permit the Village to enter upon the real property, vehicle or other personal property, and abate the nuisance, take steps to prevent public nuisances from occurring, and/or perform other acts required of the defendant(s) in the court's temporary orders and any other orders.

7-4-8 Judgment for Costs and Attorneys' Fees

In any case in which a public nuisance has been established, in addition to the remedies provided in this Ordinance, the Village may petition the court for a separate civil judgment for the Village's costs and attorney's fees against every person who committed, conducted, promoted, facilitated, or aided the commission of any public nuisance or who held any legal or equitable interest or right of possession in any real property, vehicle, or other personal property used to commit, conduct, promote, facilitate or aid the commission of a public nuisance. The civil judgment shall be for the purpose of compensating the Village for its costs from pursuing the remedies under this Ordinance.

7-4-9 Lien for Judgments

In addition to the remedies provided in this Ordinance, the Village shall have a lien against the real property, vehicles or other personal property on or in which any public nuisance occurred or which was used to commit, conduct, promote, facilitate, or aid in the commission of any public nuisance for the total of all judgments imposed for costs and attorneys' fees. The Village may record a statement of this lien with the County Clerk.

7-4-10 Stipulated Alternative Remedies

A. The Village and any defendant(s) to an action under this Ordinance may voluntarily stipulate to temporary orders, seizures, closures, receiverships, forfeitures, destruction, judgments, liens and other remedies, temporary or permanent, that are different or altered from those provided in this Ordinance, including but not limited to:

1. Shorter or less stringent temporary orders, closures, and receiverships;
2. Receiverships on other terms, including but not limited to, terms providing for the payment of secured indebtedness on the subject property, removal or substitution of the receiver, and other terms;
3. Nondestruction of buildings, other structures, vehicles and other personal property;
4. Release of seized real property to the party currently entitled to possession, or to an agent, manager, or receiver appointed under the stipulation, after the public nuisance has been fully abated, steps have been taken to prevent the public nuisance(s) from recurring, sufficient action has been taken to deter the public nuisances, and the public interest is protected or a suitable plan to accomplish these goals has been agreed to;
5. Reduction or waiver of civil judgments and liens; and
6. Other reasonable stipulations designed to abate the public nuisance, prevent public nuisances from recurring, deter public nuisance activity and protect the public's interest.

B. Any stipulations for alternative remedies shall be made by an order of the court.

7-4-11 Other Seizures, Closures, Forfeitures and Confiscations

Nothing in this Ordinance shall be construed to limit or forbid the seizure, confiscation, closure, destruction or forfeiture of property now or hereafter required, authorized or permitted by any other provision of law. Nothing in this Ordinance shall be construed as requiring that evidence and property seized, confiscated, closed, forfeited, or destroyed under other provisions of law be subjected to the remedies and procedures provided in this Ordinance.